



**MINUTES OF SPECIAL JOINT MEETING OF
THE CITY COUNCIL/REDEVELOPMENT
AGENCY OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 10, 2002, 8:00 p.m.

MEETING

The Special Joint Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chair Cooper at 8:00 p.m. Mayor/Chair Cooper asked the City of Hayward Police Honor Guard to present the colors after which she led the Pledge of Allegiance. She then read a proclamation in remembrance of September 11, 2001. She invited all to the City of Hayward's Commemoration of September 11 to follow in the morning.

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Hilson,
Rodriguez, Ward, Dowling, Henson
MAYOR/Chair Cooper
Absent: None

PRESENTATION: Business Recognition Award

This month, the City of Hayward presented its Business Recognition Award to Neopost Inc., located at 30955 Huntwood Avenue, in Hayward. Neopost is part of a worldwide network of Neopost companies. The original company started in 1933, and, in 1977, it located in Hayward. Neopost products range from postage meters and direct address printing systems to letter openers that can open 200 envelopes per minute. With annual sales of more than \$500 million and customers in more than 70 countries, the Neopost group is the number one producer of mailroom equipment in Europe and the second largest in the world. The Business Recognition Award was presented to Neopost for creating many well-paid jobs in Hayward, for their exemplary community participation and philanthropic generosity and for attracting positive attention to our city. Mr. Tony Adkins, President of Neopost Inc., Ms. Kathi Lomba, Vice President of Human Resources, and Mr. Kris Wagner, Director of Marketing accepted the award on behalf of Neopost. Mr. Adkins spoke on the success of Neopost.

PUBLIC COMMENTS

Jason Moreno commented on the September 11, 2001 Council meeting.

Carl M. Costa spoke on behalf of his neighbors on Optimist Street. In light of increased crimes as stolen cars, illegal entries into homes, and vandalism, he requested police assistance.

Barbara Swarr announced that a conference is scheduled for October 19 at the San Jose Hyatt on redevelopment abuse. She discussed eminent domain.

William Blundin commented on a discussion he claimed he had with the Fire Chief.

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CONSENT

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of July 23, 2002

It was moved by RA/Council Member Jimenez, seconded by RA/Council Member Henson, and unanimously carried to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of July 23, 2002.

2. Water Main Replacement Project at Laurel Avenue, Sunset Boulevard, Western Boulevard, Westfield Avenue, Russell Way, "C" Street, Sixth Street, and Ward Street – Award of Construction Contract

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated September 10, 2002, was filed.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-122, "Awarding Contract to Bond Stoloski & Gonzalez, Inc., for the Water Main Replacement Project at Laurel Avenue, Sunset Boulevard, Western Boulevard, Westfield Avenue, Russell Way, "C" Street, Sixth Street and Ward Street, Project No. 7014"

3. Arterial Pavement Rehabilitation Phase III: Approval of Addendum and Award of Contract

Staff report submitted by Deputy Director of Public Works/Engineering Bauman, dated September 10, 2002, was filed.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-123, "Resolution Approving Addendum No. 1 and Awarding Contract to C.F. Archibald Paving, Inc. for the Arterial Pavement Rehabilitation – Phase III, Project No. 5151"

Resolution 02-124, "Resolution Amending Resolution 02-087, as Amended, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2002-03, Relating to a Transfer of Funds from the Measure D Fund to the Street System Improvements Fund, Fund 413 and an Appropriation of Funds from the Street System Improvements Fund, Fund 413 to the Arterial Pavement Rehabilitation Phase III Project, Project No. 5151"



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4. Final Tract Map 7311 - Approve the Final Map and Authorize the City Manager to Execute a Subdivision Agreement - Olson-Hayward III, LLC, (Subdivider) - Property Located at 22845 - 22865 Atherton Street

Staff report submitted by Development Review Engineer Gaber, dated September 10, 2002, was filed.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-125, "Resolution Approving Final Map for Tract 7311 and Authorizing the City Manager to Execute a Subdivision Agreement"

5. Authorization for Temporary Traffic Engineering Services with CH2MHILL

Staff report submitted by Deputy Director of Public Works/Engineering Bauman, dated September 10, 2002, was filed.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-126, "Resolution Authorizing the City Manager to Execute an Amendment to the CH2MHILL Traffic Engineering Services Agreement for Temporary Transportation Engineering Services"

6. North Walpert Reservoir Intertie and Seismic Upgrade: Approval of Addenda No. 1 and No. 2, Award of Construction Contract and Authorization for Additional Appropriation from the Water Capital Improvement Fund

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated September 10, 2002, was filed.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

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Resolution 02-127, "Resolution Approving Addenda No. 1 and No. 2 for the North Walpert Reservoir Intertie and Seismic Upgrade Project Nos. 7149 and 7150 and Awarding Construction Contract to John Clay Engineering"

Resolution 02-128, "Resolution Amending Resolution 02-087, as Amended, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2001-02, Relating to an Appropriation of Funds for the North Walpert Reservoir Intertie and Seismic Upgrade Project, Project Nos. 7149 and 7150"

7. Adoption of Memorandum of Understanding with International Federation of Professional and Technical Engineers, Local 21

Staff report submitted by Human Resources Director Perrin-Scales, dated September 10, 2002, was filed.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-129, "Resolution Accepting Memorandum of Understanding Between the City of Hayward and International Federation of Professional and Technical Engineers, Local 21, AFL-CIO"

8. Water Mains and Sewer Mains Seismic Retrofit Project – Authorization for Execution of an Agreement for Professional Engineering Services

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated September 10, 2002, was filed.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-130, "Resolution Authorizing the City Manager to Execute an Agreement with MMI Engineering, Inc. for Professional Engineering Services for the Water Mains and Sewer Mains Seismic Retrofit Projects, Project Nos. 7164 and 7510"

9. Authorization for the City Manager to Execute an Agreement for Surveying and Utility Mapping Services for Sewer Lining and Spot Repairs at Portsmouth Avenue and Highland Area and Sewer Main Replacement and Improvement at Grand Avenue and Fairway Street



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Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated September 10, 2002, was filed.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-131, "Resolution Authorizing the City Manager to Execute an Agreement between the City of Hayward and Ruggeri-Jensen-Azar & Associates for Professional Surveying and Utility Mapping Services for Sewer Lining and Spot Repairs at Portsmouth Avenue and in the Highland Area, and Sewer Main Replacement and Improvement on Grand Avenue and Fairway Street, Project Nos. 7598, 7481 and 7511"

10. Approval of Contract Amendment with Geomatrix, Inc., for Environmental Services in Conjunction with Acquisition of Former Albertson's Property

Staff report submitted by Redevelopment Director Bartlett, dated September 10, 2002, was filed.

It was moved by Council/RA Member Jimenez, seconded by Council/RA Member Henson, and unanimously carried to adopt the following:

RA Resolution 02-11, "Resolution Authorizing the City Manager to Execute a Contract Amendment with Geomatrix Consultants to Provide Environmental Services"

HEARINGS

11. Blue Rock Country Club - Approval of Addendum to SEIR, Precise Plan and Vesting Tentative Map 5354

Staff report submitted by Planning Manager Anderly, dated September 10, 2002, was filed.

Planning Manager Anderly presented the report, depicting the areas involved and impacts to the project. She said the action for Council was to find that the precise plan is in substantial conformance with the previously approved in 1998 preliminary plan, as well as the tentative map and the addendum to the environmental report.

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Council Member Jimenez asked who would provide the water. He then asked about the difference between East Bay Regional Parks and the Department of Fish and Wildlife.

Public Works Director Butler said the City of Hayward would provide the water. As to the golf course, potable water would be used.

Planning Manager Anderly responded that the EBRPD thought that the public would have full access to the public lands and property, whereas the Department has stipulated that no public access would be allowed in various parts of the property.

Council Member Henson asked for a clarification of what Council would be acting on. He then asked for further information on Village A, mass grading, and the proposed golf course.

City Manager Armas responded that the Council had already taken action on the substantive merits of the project in 1998. He added that in the intervening 4 years there have been refinements to the project.

Planning Manager Anderly said that both the school, Village A and mass grading would be included in Phase I. Improvements on Hayward Boulevard and payment of fees would also be included. She then explained that there is no public access to the Bay Trail through the property. Until there is resolution with the Fish and Wildlife Department, there is no continuous link between the southern portion and the Trail. The golf course is still of a championship nature.

Council Member Dowling asked about 360-car garage and the banquet clubhouse capacity. He also then asked about a letter from the County regarding traffic calming issues on Fairview Avenue and the \$410,000, which is claimed to be inadequate.

Planning Manager Anderly said that the administrative use permit would be required for greater sized events on the golf course.

City Manager Armas added that in addition to the \$410,000, the Bailey Ranch development would add substantial funds. He said that the County is currently working on traffic problems on Fairview.

Council Member Ward asked whether the traffic impacts would be less than those expounded during the 1998 plan. He then discussed the Bay Trail and the assumption this was a gated community with no public access. He asked whether it was conceivable to have the trail from Bailey Ranch be the access point. He suggested that the solution lies with the public agencies and not with the developer. He asked the consultant, Mr. Wagstaff, to respond to some of the questions in letters from others. He then asked for further information on the school.

Planning Manager Anderly responded that some gated communities have golf courses, which could be open to the general public at certain times and in certain ways for which arrangements can be made.



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City Manager Armas showed that the assumption in 1998 was that there would be public access to the trail above the development. Since then, the Fish and Wildlife service is prohibiting public access to the area.

Mr. Wagstaff explained that the Statement of Findings adopted with the Certification of the EIR, which rejected a minimum golf course in favor of the project golf course. He added that the traffic calming issues would be implemented.

Planning Manager Anderly said the site for the school is not smaller. At this point the suggestion is that all of the land be turned over to the School District with the adjacent park area leased to the Hayward Area Recreation District (HARD). The School District has approved the school. She noted that it is the developer's goal to seek bonds to construct a school to accommodate 650 students as well as additional larger core facilities than were envisioned in 1998. It was noted that this is the first school to be built in forty years.

Council Member Rodriquez asked if the traffic study provided for or considered future development in this area. She asked about the Carden property and where the City of Hayward is, in consideration of this property.

Planning Manager Anderly said the build-out of Five-Canyons and Bailey Ranch as well as this project, were considered at the time that traffic study was made. She responded that a condition of approval in 1998 required the developer to maintain water for Mr. Carden. His access to and from his property is by an easement that traverses the property. However, the school district is seeking condemnation of that part of his property. In turn there would be a road, which would be accessed as a public road until it would enter his property as a private road.

Council Member Hilson asked about the grading that will be done. He asked why the grading level was reduced to 25 feet. He suggested that the development follow the natural contours of the land. He then asked about the number of sidewalks in the project. In discussing the addition of a swim club, he suggested that it be included in the development. As to the design guidelines, he suggested that there were a lot of generalities. He then said he did not have the opportunity to study the material, having received it only on Friday. He suggested that the lack of design guidelines provided loopholes.

Planning Manager Anderly explained that by changing the size of the project, the developer has been able to show how attractively done the development can be with reduced grading. It was noted that this grade is permitted in the design guidelines. Staff had suggested a number of sidewalks to make this a walkable community. The developer argued that it was not consistent with the country club atmosphere. She suggested that this is an acceptable compromise. Staff agreed to many amenities for the homes. The developer was looking more toward a Blue Rock

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theme. She did say that Village A homes would be reviewed by both the Planning Commission and the City Council.

Council Member Jimenez asked a question regarding the requirement of sidewalks. He noted other country clubs that do not include sidewalks.

Mayor Cooper opened the public hearing at 9:35 p.m.

Rudelle O'Neal who lives on Fox Hollow Avenue, presented a scenario of traffic problems during a fire. She said she was concerned about not having seen more information on the project. She requested on behalf of her neighbors that an additional public access road to the development be constructed from the south side.

Morton Carden, owner of the 9-acre parcel within the development, indicated that there is a current lawsuit against him for a right-of-way to his property. The prescription right-of-way has been used for 75-years.

Luwana Mercado urged the Council to seriously consider this project due to the number of units and the pending traffic impacts. She also suggested that the Council work with the Greenbelt Alliance.

Bill Brunelli indicated that he attended most of the ad hoc sessions and commented favorably on this project.

Bob Burnside commented that he was on the Hayward 1900 Ad Hoc Committee and believes that this is still "too much" of a project.

Ed Mullins noted that he was also a member of the Ad Hoc Committee. He commented that the Chamber of Commerce supported the 1998 version and continues to support the project. It is a good project for Hayward and it will work.

Johnnie Lacy commented that she also was a member of the Walpert Ridge committee and noted that after many discussions, environmental concerns, reviewing input, accepting feedback, this is still a quality project.

Sherman Lewis spoke on the environmental issues, the Alameda whip snake and the red-legged frog. He commented on the #2 and #3 Findings in the CEQA document. He did not agree with the substantial compliance. He commented on the better-defined project elements.

John Kyle spoke in support of the Blue Rock project.

Jason Moreno commented on the public disclosure of campaign contributions by developers. He said this would create a tremendous increase and demand for city water.



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City Manager Armas explained that the City has an unlimited access to water from Hetch Hetchy.

Planning Manager Anderly reported that she had additional information to Council Member Ward's question regarding trip generations. She noted that the data was considered for the traffic study.

Steve Murtaugh submitted a statement to the Council and spoke regarding the impact of traffic now.

Robert Bourassa lives on Oakes Drive and commented on the impacts of increased traffic in upper Fairview with no sidewalks. He asked if the monies for traffic calming would cover the stated impacts.

Planning Manager Anderly spoke on the mitigations and the findings of the overriding considerations.

Stacey West lives near the turn-about on Fairview Road and expressed her concerns and doubts about the 1998 study, in particular with the added three new developments, this new development and the new school that will enroll over six hundred students.

Council Member Ward suggested that staff consider working with the County to perhaps add additional lanes for traffic on Fairview, Second, and existing County roads.

Brian Shott spoke in support of this innovative project.

Jewell Spalding submitted a letter from Joan Shoemate. She commented on the study's incompleteness and the letter from Mr. Sorenson. She urged the Council to adopt the findings from his letter.

George Gordon also spoke on the traffic impacts, even though there are four lanes with a thirty-five mile speeding zone.

Elizabeth King who lives on Oakes Drive also commented on the additional traffic impacts for the area from this project.

Joe Delgadillo spoke on traffic as well.

Steve Miller, CEO of the Blue Rock Project, clarified that the clubhouse is substantially less than first presented.

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Council Member Rodriquez said she appreciated that the developer had addressed the environmental concerns as required. She continued to express further apprehension regarding the traffic as well as fire prevention.

Council Member Dowling asked about management of the golf course clubhouse and any lawsuits involved.

Mr. Miller said they have not resolved whether to sell the golf course or how it will be managed. He indicated that there is a pending lawsuit related to a biological opinion, which should be resolved within a few months.

Fire Chief Arfsten enumerated the various steps taken and the measures required to address fire issues and concerns in that development, as well as the interface area and other development already built.

Mayor Cooper closed the public hearing at 10:46 p.m.

Council Member Jimenez recommended the adoption of the two resolutions; Council Member Henson seconded the motion.

Council Member Hilson spoke to the motion and said he objected to receiving the packet of information on a Friday before the Tuesday meeting. He is reasonably convinced that this project is in substantial compliance with the guidelines of 1998, however, he said he was not convinced with the design guidelines should not be separated for continued review. He offered a substitute motion, which Council Member Dowling seconded, that would delay approval of the design guidelines.

Council Member Henson supported the original motion and said he was satisfied with the review process and was convinced that staff and the developer have navigated through the various agencies to satisfy all that was required. He commended both staff and the developer. He noted that 76 percent of the Ridge is still open space. He felt that this project is very good for the City, and noted that the housing will come back to the Council as the development progresses. He felt that a majority of the traffic issues could be mitigated.

Council Member Rodriquez said she has reservations on the increased traffic impacts. She appreciated the habitat efforts and the fire department measures.

Planning Manager Anderly clarified Condition of Approval #144 that is four pages in length, which addresses the design guidelines.

Council Member Dowling asked the City Attorney to clarify the action that is needed. He recommended Ms. Spalding contact Supervisor Miley to assist in working with the County. He reported that as a member of the Planning Commission in 1998, he voted "No" on the project. However, as a member of the City Council at this time, he would support the motion because he



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believes that it is in substantial compliance to the 1998 plan approved by the Council. He noted that this project would be moving forward. He supported Mr. Hilson's motion and felt that some additional studies may be needed on the design guidelines.

Council Member Ward said he would be in opposition to the substitute motion. He did not see a benefit in further discussions.

Mayor Cooper commented that the Council has been dealing with this issue since 1986. When it was finally approved in 1998, it was like a load lifted from their shoulders. She commended the developer for an extraordinary effort. She then commented on her drive to Black Hawk where there are no sidewalks, and offered a further substitute motion to direct staff to eliminate sidewalks where possible throughout the project. Council Member Henson seconded the motion.

Discussion ensued as to whether this was a dramatic change to the project as approved by the Planning Commission and recommended by staff. Mayor Cooper then withdrew her motion. Council Member Henson indicated that he still believed that sidewalks were not necessary and that the wide streets would be sufficiently safe.

City Attorney O'Toole noted that the City Council approved the Plan in 1998 and entered into a development agreement. As a result, the Council was merely to determine whether this plan was in substantial conformance with the previously approved in 1998 preliminary plan, as well as the tentative map and the addendum to the environmental report.

It was moved by Council Member Hilson, seconded by Council Member Dowling, and carried by the following roll call vote to afford the Council additional time to review the Design Guidelines:

AYES: Council Members Hilson, Rodriquez, Dowling,
MAYOR Cooper
NOES: Council Member Ward, Jimenez, Henson
ABSENT: None
ABSTAINED: None

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 02-132, "Resolution Adopting Findings Under the California Environmental Quality Act and Approving Addendum to the Final Supplemental Environmental Impact Report for Blue Rock Country Club Project"

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Resolution 02-133, "Resolution Approving Precise Development
Plan 97-120-02 and Vesting Tentative Tract Map 5354 for Blue
Rock Country Club Project"

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 11:11 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency